

REMARKS

Reconsideration of this application is respectfully requested.

In the Official Action, the Examiner rejects claims 1-4, 9-12, 14-19, 24-27, and 29-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0093792 to Labeeb et al., (hereinafter “Labeeb”). Furthermore, the Examiner rejects claims 5-8, 13, 20-23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Labeeb.

In response, the Applicant respectfully traverses the Examiner’s rejections under 35 U.S.C. §§ 102(e) and 103(a) for at least the reasons set forth below.

The Applicant respectfully submits that the present invention was conceived in the United States prior to the earliest effective filing date of the Labeeb reference, June 30, 2000. In support of Applicant's arguments, a Declaration under 37 C.F.R. § 1.131 is enclosed herewith for antedating the Labeeb reference. Accordingly, the Examiner is respectfully requested to withdraw Labeeb as a reference to be applied against the claims and consequently the rejections under 35 U.S.C. §§ 102(e) and 103(a) based thereon.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

TS:cm
Encl. (Executed Declaration Under 37 C.F.R. § 1.131)